

Gilligan, Jim (USATXW)

From: Jamal Alsaffar <jalsaffar@nationaltriallaw.com>
Sent: Wednesday, February 24, 2021 4:20 PM
To: Dingivan, James (USATXW)
Cc: Tom Jacob; April Strahan; Justin Demerath
Subject: SS--Discovery deadline extension

James

Thank you for talking with me today about your request for the discovery extension on damages. I have put our agreement below and this email can serve as written confirmation to extend the discovery deadline as outlined below. If it doesn't represent our agreement please let me know. If it does, please just reply with confirmation that it is accurate:

- The damages discovery deadline will be extended to March 23, 2021, with the following limitations:
 - The deadline is extended for the limited purpose of deposing treating doctors and other treating healthcare providers (e.g., psychologists and psychiatrists) that Defendant has identified for deposition as the date of this agreement, along with Kris Workman's Rackspace supervisor.
 - The deadline is also extended to March 23, 2021, for the limited purpose of supplementing written damages discovery for outstanding written RFPs; subpoenas and DWQ's that have been requested prior to the date of this agreement; supplementation of FRCP 26(a)(1)A Disclosures related to damages evidence; and supplementation of retained testifying expert files for experts who provided a report by the existing expert report designation deadlines (both liability and damage expert witness files).
 - Defendant intends to designate an expert report by Dr. Kosnett on February 26th, but Plaintiffs do not waive objections to this report and witness testimony.
- The parties further agree and stipulate that 1) Plaintiffs' medical records are authentic and admissible under FRE 803(6). Further, the parties agree that 2) Plaintiffs' medical and billing records from SAMMC/BAMC, Connally Memorial, and/or any other Trauma Center for the treatment of those Plaintiffs who suffered gunshot wounds are reasonable and medically necessary and were incurred as a result of the shooting at the church on November 5, 2017.
- Plaintiffs' damages expert, Dr. Wilkerson, has just been diagnosed with advanced and terminal cancer. Therefore, Defendant agrees to allow Plaintiffs to replace Dr. Wilkerson as an expert with the previously produced expert Dr. Todd. Plaintiffs agree to make Dr. Todd available for deposition, if requested, within the March 23, 2021, extended discovery deadline.

Jamal K. Alsaffar

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